IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9766 OF 2004

Shri Anant Jagannath Patil ..Petitioner

Vs

Shri Anant Babu Gholap and ors. ..Respondents

Mr. Rajiv Patil i/by Mr. Shirish Lele for petitioner.
Mr. S.H. Joshi for respondentnos.1 to 3.

CORAM: B.H. MARLAPALLE, J.

Date : July 12, 2006.

P.C.:

1. Heard Mr. Patil with Mr. Lele the learned counsel for the petitioner. The petitioner had filed Regular Civil Suit No.23 of 2000 under Section 6 of the Specific Relief Act and prayed for restoration of the suit room no.5 along with his belongings therein. On appreciation of evidence and after hearing both the parties, the learned IInd Joint Civil Judge, Palghar was pleased to decree the suit partly by holding that the belongings of the plaintiff were in fact stored in the suit room and at the same time the plaintiff failed to prove that the said suit room was given to him on tenancy basis at any time. The trial court

also recorded a finding that at no point of time the plaintiff was forcibly dispossessed of the suit room and there was no dispute that both the plaintiff and defendant no.2 had purchased room nos.4 and 5 in the year 1995 and 1996 respectively.

2. These findings of fact recorded on appreciation of evidence, oral as well as documentary, do not suffer from any errors apparent on the face of the record and, therefore, there is no reason to reconsider the decree passed by the trial court.

3. Hence, the petition is rejected summarily.

(B.H. Marlapalle,J.)